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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/108,715	07/01/98	NAGATA K	05058/72201

024367
SIDLEY AUSTIN BROWN & WOOD
717 NORTH HARWOOD
SUITE 3400
DALLAS TX 75201

WM31/0822

EXAMINER	
KIANNI,K	
ART UNIT	**PAPER NUMBER**
2624	15
DATE MAILED:	08/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/108,715	NAGATA, KOICHI	
	Examiner	Art Unit	
	Kevin C Kianni	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-15 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. ~~Claim~~ Claims 1-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Nosaki et al. (US 5673373).

Regarding claim 1, Nosaki teaches a facsimile apparatus (shown in fig. 1; also col. 3, lines 50-57) which is capable of receiving confidential image data from an origin and which is provided with a confidential reception function (shown in figures 1 and 4; col. 11, lines 51-58, also col. 3, lines 42-57), comprising: a memory 46 which stores received confidential data (see fig. 3, item 46 and 61a; col. 3, lines 36-50); a notification data transmission means CPU 11 for transmitting notification data to said origin (see col. 2, lines 6-7) indicating that the confidential image data has not been retrieved from said memory 46 (see fig. 11 and 19; col. 6, lines 9-31 and col. 8, lines 22-31); and a deletion means 70 for deleting the confidential image data from the memory in response to a completion of transmission of said notification data by the notification data transmission means (see fig. 11 and 19, last item; and col. 7, lines 64-67 and col. 8, lines 32-33; also fig. 3, element 70; and col. 6, lines 11-24); Wherein said notification data is transmitted if the received confidential image data has not been retrieved from

the memory after a predetermined period of time (see col. 5, line 66 through col. 6, line 7 and col. 8, lines 32-37; also col. col. 12, lines 6-8).

However, Nosaki does not explicitly teach/state that the above underlined after a predetermined period of time for determining transmission of notification data is transpired within a predetermined period of time.

It is obvious to a person of ordinary skill in the art that the transmission of notification data to the source is a matter of programming timing information that is independent of the amount of time a programmer requires for transmission of information; since within a period of time is in fact a period of time that is required to judge whether to notify the sender that the transmitted data has not been received; this time requirement facilitates a network system that keeps secrecy of information and reduces a print waiting time of operator (see col. 2, lines 1-3).

Regarding claim 2, Nosaki further teaches wherein said notification data includes at least a part of the confidential image data (see fig. 11, first item; and col. 7, lines 64-67).

Regarding claim 3, Nosaki further teaches wherein said notification data includes time information of the confidential image data transmission (see col. 12, lines 17-19).

Regarding claim 4, Nosaki further teaches wherein said notification data includes an addressee information of the confidential image data (see fig. 11 and col. 8, lines 22-37; and col. 7, lines 46-50; see also col. 5, lines 43-52).

Regarding claim 5, Nosaki further teaches wherein said notification data includes information providing notification that the confidential image was erased (see fig. 11, last item and col. 6, lines 14-34; see also col. 8, lines 22-31).

Regarding claim 6, Nosaki further teaches wherein said notification data transmission means transmits the notification data when transmission of the notification data is not completed successfully (see fig. 11, items 'inform user...' and 'return'; col. 8, lines 22-31). However, Nosaki does not explicitly teach/state that the above transmission means re-transmit the notification data. It is obvious to a person of ordinary skill in the art that is in well know to redial/re-transmit to the source for transmission of information since the called station may be busy; the redialing/re-transmission for transmitting information insures data transmission while facilitating a network system that keeps secrecy of information and reduces a print waiting time of operator (see col. 2, lines 1-3).

Regarding claim 7, Nosaki further teaches a prohibiting means for prohibiting the deletion of the confidential image data when the transmission of the notification data is not completed after a predetermined number of retransmission attempts (see fig. 19 and 25; and col. 10, lines 16-43). Regarding the Nosaki teaching of limitation within a predetermined number of transmission attempts, the arguments are analogously discussed in rejection of claim 1.

Regarding claim 8, Nosaki further teaches an identification means 31 for identifying a transmitter telephone number of the origin based on data transmitted with the confidential image data (see figures 3, 16 and 19, items 31 and print process start

steps; also col. 3, lines 51-54; and col. 9, lines 51-60); wherein said memory stores the transmitter telephone number in connection with the confidential image (see col. 5, lines 43-51).

Regarding claim 9, Nosaki further teaches wherein said notification data transmission means transmits the notification data using the identified telephone number (see fig. 11 and col. 3, lines 51-54; and col. 8, lines 22-31; and col. 7, lines 46-50; see also col. 5, lines 43-52).

Regarding claim 10, Nosaki further teaches wherein said memory stores a time of receipt of the confidential image data (see fig. 19; also col. 12, lines 17-19).

Regarding claim 11, Nosaki teaches a facsimile apparatus provided with a confidential reception function (see fig. 3, items 21-23; col. 3, lines 42-57 and col. 4, line 57), comprising: a memory which stores received confidential image data (see fig. 3, item 46 and 61a; col. 11, lines 51-58 and col. 3, lines 36-50); an output means for outputting stored confidential image data from said memory in response to input of a password by an operator (see fig. 3, item 35, col. 5, lines 32-37 and col. 6, lines 9-24); a determination means for determining whether confidential image data has been outputted by the output means 35 after a predetermined time after reception of the confidential image data (see fig. 11, item inform user; see col. 1, lines 57-63; and col. 8, lines col. 8, lines 22-31); a notification data transmission means for transmitting notification data indicating that confidential image data has not been output (see fig. 11; also col. 6, lines 8-24), when the determination means 61 (col. 3, lines 56-59) has determined that output of the confidential image data from the memory 46 has not been

performed (see fig. 11, item inform user; also col. 8, lines col. 8, lines 22-31); a detection means (CPU 11, col., 6, lines 24-31) for detecting proper completion of transmission of the notification data (see fig. 11, last item; and col. 7, lines 64-67); and a deletion means 70 for deleting confidential image data from the memory in response to detection of proper completion of transmission of the transmission data by the detection means (see fig. 11 and 19, last item; and col. 11, lines 51-58 and col. 7, lines 64-67; also fig. 3, element 70; and col. 6, lines 11-24). Regarding the Nosaki teaching of the limitation within a predetermined number of transmission attempts, the arguments are analogously discussed in rejection of claim 1.

Regarding claim 12, Nosaki further teaches wherein said notification data includes at least a part of the confidential image data (see fig. 11, first item; and col. 7, lines 64-67).

Regarding claim 13, Nosaki teaches a managing method for managing a confidential received image in a facsimile apparatus, the facsimile apparatus being provided with a confidential reception function (see fig. 3, items 21-23; col. 3, lines 42-57 and col. 4, line 57), the method comprising the steps of: receiving confidential image data and storing the received image data in a memory in the facsimile apparatus (see fig. 3, item 46 and 61a; col. 3, lines 36-50); monitoring whether the stored confidential image data has been outputted after a predetermined time after reception of the confidential image data (see fig. 19, items inform file sever and secret print; see col. 12, lines 51-58, also col. 8, lines col. 8, lines 22-31); transmitting notification data indicating that outputting of the confidential image data has not occurred, when output has not

occurred after the predetermined time (col. 12, lines 51-58; also col. 8, lines col. 8, lines 22-31); detecting proper completion of transmission of the notification data (see col. 6, lines 14-23); and deleting the confidential image data from the memory in response to a detection of the proper completion of transmission of the notification data (see fig. 11, last item; and col. 7, lines 64-67). Regarding the Nosaki teaching of the limitation within a predetermined number of transmission attempts, the arguments are analogously discussed in rejection of claim 1.

Regarding claim 14, Nosaki further teaches wherein said notification data includes at least a part of the confidential image data (see fig. 11, first item; and col. 7, lines 64-67).

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nosaki et al. (US 5673373) and further in view of Karaki Masato (06070079 A).

Regarding claim 15, Nosaki teaches a facsimile apparatus (shown in fig. 1) capable of receiving confidential image data from a source (shown in figures 1 and 3; col. 3, lines 42-57 and col. 4, line 57), the facsimile apparatus comprising: a memory 46 capable of storing received confidential image data (see fig. 3, item 46 and 61a; col. 3, lines 36-50); a notification transmitter adapted to transmit notification data to the source (see col. 2, lines 6-7); a confirmation apparatus 61 adopted to confirm receipt of the notification data by the source (see col. 8, lines 22-26); a deleting apparatus 70 adapted to delete stored confidential image data (see fig. 11, last item; and col. 7, lines 64-67 and col. 8, lines 32-33; also fig. 3, element 70; and col. 6, lines 11-24).

Nosaki further teaches wherein the notification transmitter transmits the notification data after a predetermined time if the confidential image data has not been retrieved (see fig. 11 and 25 (item 3rd parag.); and col. 1, lines 57-63; and col. 8, lines 22-31; col. 8, line 64 through col. 9, line 2).

However, Nosaki does not explicitly teach the deleting apparatus deletes the confidential image data when the confirmation apparatus confirms that the source has retrieved the notification data. This deletion method is taught by Masato.

Masato teaches a facsimile apparatus (shown in fig. 1) that deletes the image data when the confirmation apparatus confirms that the source has retrieved the notification data (see lines 7-12 of abstract). Thus, Masato increases the capacity of image data storage by deleting the image data and prevents imprudent deletion of image data (see lines 15-17 of abstract).

Therefore it would have been obvious to a person of ordinary skilled in the art to modify Nosaki's deletion apparatus 70 and incorporate Masato instruction control means 20 in order to produce a facsimile that would be able to deletes the confidential image data when the confirmation apparatus confirms that the source has retrieved the notification data. This resultant facsimile would have the capability to delete the excess image data information after receiving confirmation that the source has retrieved the notification data thereby increasing the capacity of image data storage for receiving new image data and prevents imprudent deletion of image data (see lines 15-17 of abstract).

Response to Amendment

4. Applicant's arguments filed on May 16, 01, have been fully considered but they are not persuasive.

This examiner has carefully examined the claims 1-15 in view of applicant's amendment.

Applicant alleges (page 8, 4th parg. through page 9, 1st parag.) that Nosaki does not teach a notification data transmission means for transmitting notification data to said origin indicating that the confidential image data has not been retrieved from said memory and a deletion means for deleting the confidential image data from the memory in response to a completion of transmission of said notification data by the notification data transmission means, as well as other limitations of claims 1-10. The examiner responds that Nosaki teaches a notification data transmission means CPU 11 for transmitting notification data to said origin (see col. 2, lines 6-7) indicating that the confidential image data has not been retrieved from said memory 46 (see fig. 11 and 19; col. 6, lines 9-31 and col. 8, lines 22-31); and a deletion means 70 for deleting the confidential image data from the memory in response to a completion of transmission of said notification data by the notification data transmission means (see fig. 11 and 19, last item; and col. 7, lines 64-67 and col. 8, lines 32-33; also fig. 3, element 70; and col. 6, lines 11-24). The examiner also responds that the applicant doe not specifically state what other limitations of claims 1-10, Nosaki does not teach, since Nosaki teaches all limitations of claims 1-10 as discussed above.

Applicant alleges (page 9, last parag.-page 10, 1st parag.) that Nosaki does not teach a facsimile apparatus wherein a notification data transmission means for transmitting notification data to said origin indicating that the confidential image data has not been retrieved from said memory and a deletion means for deleting the confidential image data from the memory in response to a completion of transmission of said notification data by the notification data transmission means, as well as other limitations of claims 1-10. The examiner responds that Nosaki teaches a facsimile apparatus (see fig. 1 and col. 3, lines 50-53) wherein a notification data transmission means for transmitting notification data indicating that confidential image data has not been output (see fig. 11; also col. 6, lines 8-24), when the determination means 61 (col. 3, lines 56-59) has determined that output of the confidential image data from the memory 46 has not been performed (see fig. 11, item inform user; also col. 8, lines col. 8, lines 22-31); a detection means (CPU 11, col., 6, lines 24-31) for detecting proper completion of transmission of the notification data (see fig. 11, last item; and col. 7, lines 64-67); and a deletion means 70 for deleting confidential image data from the memory in response to detection of proper completion of transmission of the transmission data by the detection means (see fig. 11 and 19, last item; and col. 11, lines 51-58 and col. 7, lines 64-67; also fig. 3, element 70; and col. 6, lines 11-24); the examiner also responds that the applicant doe not specifically state what other limitations of claims 11, Nosaki does not teach; since Nosaki teaches all limitations of claim 11, as discussed above.

Applicant, regarding claim 13, alleges (page 10, last parag.-page 11, 1st parag.) that Nosaki does not teach monitoring whether the stored confidential image data has

been outputted within a predetermined time after reception of the confidential image data, transmitting notification data indicating that outputting of the confidential image data has not occurred, when output has not occurred within the predetermined time, detecting proper completion of transmission of the notification data, and deleting the confidential image data from the memory in response to a detection of the proper completion of transmission of the notification data. The examiner responds that Nosaki teaches monitoring whether the stored confidential image data has been outputted after a predetermined time after reception of the confidential image data (see fig. 19, items inform file sever and secret print; see col. 12, lines 51-58, also col. 8, lines col. 8, lines 22-31); transmitting notification data indicating that outputting of the confidential image data has not occurred, when output has not occurred after the predetermined time (col. 12, lines 51-58; also col. 8, lines col. 8, lines 22-31); detecting proper completion of transmission of the notification data (see col. 6, lines 14-23); and deleting the confidential image data from the memory in response to a detection of the proper completion of transmission of the notification data (see fig. 11, last item; and col. 7, lines 64-67). Regarding the Nosaki teaching of the limitation within a predetermined number of transmission attempts, the arguments are analogously discussed in rejection of claim 1.

Applicant, regarding claim 15, alleges (page 12, 2nd-3rd parag.) that the combination of Nosaki and Masato do not teach a notification transmitter adapted to transmit notification data to the source a confirmation apparatus adopted to confirm receipt of the notification data by the source, a deleting apparatus adapted to delete

stored confidential image data, wherein the notification transmitter transmits the notification data after a predetermined time if the confidential image data has not been retrieved. The examiner responds that Nosaki teaches a notification transmitter adapted to transmit notification data to the source (see col. 2, lines 6-7); a confirmation apparatus 61 adopted to confirm receipt of the notification data by the source (see col. 8, lines 22-26); a deleting apparatus 70 adapted to delete stored confidential image data (see fig. 11, last item; and col. 7, lines 64-67 and col. 8, lines 32-33; also fig. 3, element 70; and col. 6, lines 11-24). Nosaki further teaches wherein the notification transmitter transmits the notification data after a predetermined time if the confidential image data has not been retrieved (see fig. 11 and 25 (item 3rd parag.); and col. 1, lines 57-63; and col. 8, lines 22-31; col. 8, line 64 through col. 9, line 2). However, Nosaki does not explicitly teach the deleting apparatus deletes the confidential image data when the confirmation apparatus confirms that the source has retrieved the notification data. This deletion method is taught by Masato. Masato teaches a facsimile apparatus (shown in fig. 1) that deletes the image data when the confirmation apparatus confirms that the source has retrieved the notification data (see lines 7-12 of abstract). Thus, Masato increases the capacity of image data storage by deleting the image data and prevents imprudent deletion of image data (see lines 15-17 of abstract). Therefore it would have been obvious to a person of ordinary skilled in the art to modify Nosaki's deletion apparatus 70 and incorporate Masato instruction control means 20 in order to produce a facsimile that would be able to deletes the confidential image data when the confirmation apparatus confirms that the source has retrieved the notification data. This

resultant facsimile would have the capability to delete the excess image data information after receiving confirmation that the source has retrieved the notification data thereby increasing the capacity of image data storage for receiving new image data and prevents imprudent deletion of image data (see lines 15-17 of abstract).

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Cyrus Kianni whose telephone number is (703) 308-1216. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore, can be reached at (703) 308-7452.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-3900.

Kaveh Cyrus Kianni
Patent Examiner
Group Art Unit 2624
August 14, 2001

JEROME GRANT II
PRIMARY EXAMINER